

REMARKS

Initially, Applicants wish to thank the Examiner for the courtesies extended during the phone interview conducted Friday, February 24, 2006 at 10:00 AM between the Examiner and Applicants' Attorney. During the interview the claims of record were discussed in comparison to the references of the Office Action. It was agreed that the invention disclosed in Fig. 1 of the present patent application, was distinct from that shown in the Figures of U.S. Patent No. 3,975,972, however, no agreement was reached as to the patentability of the claimed invention as the Examiner required more time to review the reference in its entirety.

Claims 1-4, 6, 9-15 and claims 21-24 remain in the application. Claims 16-20 were previously canceled without prejudice. Claims 5, 7 and 8 have been canceled without prejudice.

Applicants have carefully reviewed the above-identified Office Action and the references of record. The Applicants contend that, by the present Amendment, all bases of objection and rejection have been overcome. Accordingly, Applicants respectfully request reconsideration of the final rejection.

THE REJECTIONS

In the Office Action Claims 5, 7, and 8 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite.

In the Office Action Claims 1-4, 6-15, and 21-24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Murlock (U.S. Patent No. 3,975,972).

In the Office Action Claims 8 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Murlock (U.S. Patent No. 3,975,972) in view of Levine(U.S. 6,820,895).

ARGUMENT

In the Office Action Claims 5, 7, and 8 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite.

Claims 5, 7, and 8 have been canceled without prejudice for purposes of expedited allowance or appeal. Claim 5 was not otherwise rejected but has been canceled without prejudice to reduce the number of issues for purposes of allowance or appeal.

In the Office Action Claims 1-4, 6-15, and 21-24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Murlock (U.S. Patent No. 3,975,972).

Applicants submit that the Muhleck reference does not disclose, teach or suggest the presently claimed invention, as for example, Murleck fails to teach the invention as a whole and in particular fails to teach or suggest "**a biasing member for biasing the lower pedal arm toward the forward end of a vehicle**"; "**a biasing member for biasing one of the pedal arms forward in a vehicle**" or "**a biasing member for biasing the lower pedal arm forward in a vehicle**" as required in each of the presently pending independent claims 1, 9, and 21 respectively. For instance the adjustable pedal portion of the pedal system taught in Murleck et al. is biased toward the driver and not toward the forward end of the vehicle, see for example Col. 5, lines 63-65:

"Thereafter, with the knob 120 held out, the retracting spring 52 automatically biases the lower pedal part assembly 20 towards the rearward position of FIG. 8. If a force is applied by the driver foot to the lower pedal part 32, such force acts against spring 52. Thus the operator can control the movement of the pedal part 32 and the influence of spring 52. When the force applied by the driver is removed and the knob 120 is released, the spring 100 will urge the latching element 86 on pin 82 into opposite notch (notch 68, FIG. 7 or notch 66, FIG. 8)."

Therefore, the Applicants request that the present claims be reconsidered and found allowable over the references of record.

In the Office Action Claims 8 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Murlock (U.S. Patent No. 3,975,972) in view of Levine(U.S. 6,820,895).

Applicants submit that there is no motivation to combine the references as Murlock is solely a manually operated system and there is no teaching in the references that would lead one skilled in the art to add a motor to the device in Murlock as such change would be contrary to the fundamental nature and completely alter the operation of the device.

The Applicants respectfully request that claim 15 be reconsidered and found allowable over the references of record.

CONCLUSION

The Applicants respectfully request that the above amendments be entered and the application be reconsidered and found in condition of allowance.

Respectfully submitted,


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